



3

Patent Application
Attorney's Docket No. 022650-621

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Patrice DUVERT) Group Art Unit: 1616
Application No.: 10/078,241) Examiner: Allen J. Robinson
Filed: February 20, 2002) Confirmation No.: 5583
For: SYNERGISTIC FUNGICIDAL)
COMPOSITION COMPRISING A)
COMPOUND ANALOGOUS TO)
STROBILURIN)

PRELIMINARY REMARKS AND SUBMISSION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination on the merits, it is requested that the Examiner consider the following remarks and the attachment.

The present application is a 37 C.F.R. §1.53(b) continuation of Appln. No. 09/505,874, filed February 17, 2000, now abandoned. The claims of this application are directed to fungicidal compositions and methods comprising and applying, respectively, a synergistic fungicidally effective amount of a compound A which is (i) methyl (E)-methoxyimino[α -(o-tolyloxy)-o-tolyl]acetate, which is also known as BAS490F, or (ii) N-methyl-(E)-methoxyimino[2-(2,5-dimethylphenoxy)methyl]phenyl]acetamide, which is also known as SSF129; and a compound B which is iprodione, the A/B ratio by weight being between 0.02 and 5.

Attached hereto is test data evidencing the synergism of combinations of

BAS490F + iprodione and of combinations of SSF129 + iprodione at several different weight ratios. The showings of synergism at A/B ratios of 0.24, 0.5 and 1 for BASF 490F + iprodione and of 0.25, 0.5 and 1 for SSF129F + iprodione are believed to be fully commensurate in scope with the claims now in this application.

If the Examiner requires that the attached data be submitted in declaration form, he is asked to so notify the undersigned in order that the appropriate document can be promptly prepared.

An early, favorable Action on the merits is believed to be in order and is earnestly solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26,254

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: August 9, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/078,241 | 02/20/2002 | Patrice Duvert | 022650-621 |

Mary Katherine Baumeister
 BURNS, DOANE, SWECKER & MATHIS, L.L.P.
 P.O. Box 1404
 Alexandria, VA 22313-1404



CONFIRMATION NO. 5583
 FORMALITIES LETTER



OC00000007615029

Date Mailed: 03/11/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$108.
 - \$ 108 for 6 total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 978.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

08/13/2002 BABRAHA1 00000059 10078241

| | |
|-----------|-----------|
| 01 FC:101 | 740.00 DP |
| 02 FC:105 | 130.00 DP |
| 03 FC:103 | 108.00 DP |



SMP

Patent Application
Attorney's Docket No. 022650-621

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Patrice DUVERT) Group Art Unit: 1616
Application No.: 10/078,241) Examiner: Allen J. Robinson
Filed: February 20, 2002) Confirmation No.: 5583
For: SYNERGISTIC FUNGICIDAL)
COMPOSITION COMPRISING A)
COMPOUND ANALOGOUS TO)
STROBILURIN)

TRANSMITTAL LETTER FOR MISSING PARTS OF APPLICATION

BOX: MISSING PART

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In complete response to the Notice to File Missing Parts of Application Under 37 C.F.R. § 1.53(b) dated March 11, 2002, enclosed please find:

- a Combined Declaration and Power of Attorney signed by the inventor(s);
- Note that the inventor(s) identified on the currently filed Combined Declaration and Power of Attorney is different from those listed on the application filing papers.
- the surcharge of [] \$65.00 (205) \$130.00 (105) as set forth in 37 C.F.R. § 1.16(e);
- a Request for Refund;
- a Petition for Extension of Time and \$920.00 fee;
- a verified English translation of the Application, and the \$130.00 (139) fee as set forth in 37 C.F.R. § 1.17(k);
- an Assignment document and a separate check for the \$40.00 (581) Assignment recordation fee;
- drawings for publication;
- other \$740.00 basic filing fee and \$108.00 additional claim fees;
Preliminary Remarks and Submission;

Transmittal Letter for Missing Parts of Application
Attorney's Docket No. 022650-621
Application No. 10/078,241
Page 2

a check in the amount of \$ 1,898.00 for the fee due for missing parts; and
 charge \$ _____ to Deposit Account No. 02-4800 for the fee due for missing parts.
 Small entity status is hereby claimed.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

By: Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26,254

Date: August 9, 2002